REMARKS

This is in response to the Office Action dated August 24, 2005. Claims 8 and 29 have been canceled. Thus, claims 1-7, 9-28 and 30-35 are now pending.

While applicant does not necessarily agree with the obviousness-type double patenting rejections in the Office Action, a terminal disclaimer has been filed herewith in order to render them moot and to expedite prosecution. It is also noted that the applicant does not necessarily agree with what the Office Action states the claims "require[s]" in certain instances.

Claims 1 and 21 stand rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Lingle (US 2002/0064662) in view of Neuman (US 2004/0005467) and Ebisawa. This 3-way Section 103(a) rejection is respectfully traversed for at least the following reasons.

Claims 1 and 21 have been amended to clearly state that the coatings of claims 1 and 21 have only one IR reflecting layer comprising silver. These types of coatings are much different than double-silver stacks and are used for different purposes/applications. Lingle and Neuman each disclose a double-silver stack, and neither discloses or suggests a coating having only one IR reflecting layer comprising silver as now required by claims 1 and 21. Moreover, one of ordinary skill in the art would never have modified either Lingle or Neuman to remove a silver-inclusive layer therefrom because this would defeat the purposes of these coatings which would not have been done by one of ordinary skill in the art.

Furthermore, while Lingle mentions many different possible materials, Lingle does not disclose or suggest using from the glass substrate outwardly layers comprising the following materials: tin oxide/silicon nitride/zinc oxide/silver/contact/zinc oxide. Lingle, for example, does not disclose or suggest using a lower contact layer comprising zinc oxide over and

contacting Lingle's silicon nitride inclusive layer 5. Nothing in Lingle states that layer 7 may comprises zinc oxide. While the Office Action relies on page 4, sections 0072-0074 for this feature, this portion of Lingle simply does not disclose or suggest this feature. Moreover, this is an important feature of claims as it permits example unexpected results to be achieved in certain example non-limiting embodiments of this invention (e.g., see paragraphs [0007], [0009], [0018]). Nothing in the cited art discloses or suggests such a stack portion, or the example unexpected results which may be achieved using the same.

The Office Action cites to Neuman for the use of zinc oxide. However, the *unexpected results* described in the instant specification associated with the invention of claims 1 and 21 rebut any alleged *prima facie* case of obviousness (which applicant believes does not exist in any event). Claims 1 and 21 require from the glass substrate outwardly layers comprising the following materials: tin oxide/silicon nitride/zinc oxide/silver/contact/zinc oxide. Unexpected results associated with these materials in sequence are discussed in paragraphs [0007], [0009], [0018] and [0034] of the instant specification, and rebut any alleged prima facie case of obviousness. Claims 1 and 21 define over the cited art for this additional reason as well. Citation to Ebisawa cannot cure the aforesaid flaws of Lingle and Neuman.

Claims 1 and 21 also stand rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Glaser (US 5,837,361) in view of Neuman (US 2004/0005467) and Ebisawa. This secondary 3-way Section 103(a) rejection is also respectfully traversed for at least the following reasons.

Claims 1 and 21 require a coating that comprises, from the glass substrate outwardly, layers comprising the following materials: dielectric/tin oxide/silicon nitride/zinc oxide/silver/contact/zinc oxide. Thus, there are at least four layers required between the

substrate and the IR reflecting layer comprising silver according to claims 1 and 21. Glaser is entirely unrelated to this.

Glaser has only two layers between the substrate and the silver. In Example 1 of Glaser, these two layers are of bismuth oxide and zinc oxide. However, the bismuth oxide may be replaced with tin oxide or silicon nitride as explained by Glaser at col. 3, lines 43-46. The portion of Glaser at col. 3, lines 43-46, relied on by the Office Action, merely states that tin oxide *or* silicon nitride may be used instead of bismuth oxide (i.e., there are still *only two layers between the substrate and the silver*). There is nothing in Glaser which discloses or suggests three layers between the substrate and the silver, let alone the at least four layers required by claims 1 and 21. Moreover, there is nothing in Glaser which discloses or suggest a coating that comprises, from the glass substrate outwardly, layers comprising the following materials: dielectric/tin oxide/silicon nitride/zinc oxide/silver/contact/zinc oxide. Glaser discloses only two of these layers between the substrate and the IR reflecting layer, and fails to mention or suggest the other two.

Neuman is cited only for the use of titanium oxide. However, the addition of titanium oxide to Glaser still would not meet the invention of claims 1 and 21 because even this combination only has three layers between the substrate and the IR reflecting layer comprising silver. Again, there is nothing in the cited art that discloses or suggests the four required layers between the substrate and the IR reflecting layer as required by claims 1 and 21. Citation to Ebisawa cannot cure the aforesaid flaws of Glaser and Neuman.

Additionally, while no *prima facie* case of obviousness has been made as to claims 1 and 21, the *unexpected results* described in the instant specification associated with the invention of claims 1 and 21 would rebut and thus overcome any alleged *prima facie* case of obviousness.

Claims 1 and 21 require from the glass substrate outwardly layers comprising the following materials: tin oxide/silicon nitride/zinc oxide/silver/contact/zinc oxide. Unexpected results associated with these materials in sequence are discussed in paragraphs [0007], [0009], [0018] and [0034] of the instant specification, and rebut any alleged prima facie case of obviousness. Claims 1 and 21 define over the cited art for this additional reason as well.

Finally, it is noted that none of the cited art, either alone or in the alleged flawed combinations, meets the respective inventions of claims 14-15 and 34.

It is respectfully requested that all rejections be withdrawn. All claims are in condition fro allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

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